

JUL 03 2006

Serial No. 10/601,848

REMARKS

In accordance with the foregoing, claims 1, 12, 14, and 15 have been amended for brevity and clarity. No new matter is being presented. Therefore, claims 1-6 and 9-15 are pending and reconsideration is respectfully requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. § 1.116:

Entry of the foregoing amendments is proposed under 37 C.F.R. § 1.116 because those amendments simply respond to the issues raised in the final rejection; no more issues are raised; no further search is requested; and the foregoing amendments are believed to remove the basis of the outstanding rejection under 35 U.S.C. § 112 and to place the application in condition for allowance. The foregoing amendments or explanations could not have been made earlier because these issues had not previously been raised.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 1, 12, 14, and 15 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. According to the Office Action, there is no support in the specification for the claimed recitation of "at a position of the seal portion where the opening member is disposed, a section of the seal portion that is at least as wide as the opening member is formed." However, since the phrase in question has been removed from the claims, it is respectfully requested that these written description rejections be withdrawn.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-6 and 9-15 are rejected under 35 U.S.C. §103(a) as unpatentable over Takahashi et al (U.S. Patent 6,653,018 B2). These rejections are traversed.

Regarding the rejection of claim 1, it is noted that claim 1 recites that the thickness of the opening member in a direction perpendicular to the seal portion is less than a half of the thickness of the seal portion in the same direction at the position of the seal portion where the opening member is disposed. In other words, at the position along the length of the seal portion where the opening member is disposed, the thickness of the seal portion is at least twice that of

Serial No. 10/601,848

the opening member.¹

In contrast, Takahashi only discloses an electrochemical device including an envelope having a sealable opening and a resin layer on its inner side and an electrochemical element having terminals. According to Takahashi, the electrochemical element is inserted in the envelope through the opening and sealed therein. Meanwhile a strip 23 of a material that is different from that of the resin layer is disposed in the envelope opening and sealed together by thermal fusion so that the strip 23 serves as a pressure relief valve for relieving pressure within the envelope. *See Takahashi, in the Abstract.*

Applicants assert that the reference to Takahashi clearly indicates that the thickness of the strip 23 is equal to the width of the resin layer in which the strip 23 is disposed when analyzing the disclosure of Takahashi using the same definitions for the directions of the thickness of the strip 23 and the width of the resin layer as in the claimed invention (i.e., by applying the directional indicators of the reference letter T and L in FIG. 5 of the instant application). This position finds support in FIG. 1B of Takahashi in which the thickness of the strip 23 is clearly shown as being as thick as the width of the resin layer 22.

Nevertheless, the Examiner, who actually acknowledges that, "the prior art of record [presumably, at least, the reference to Takahashi] does not specifically state that the thickness of the opening member (the strip 23) in a direction perpendicular to the seal portion (of the resin layer 22) is less than half of the width of the seal portion," suggests that, "[the prior art] does teach a seal width at the opening member which appears to be less than the width of the seal portion." Further, according to the Examiner, since the reference teaches that the shape of the strip is not critical, "the invention, as a whole would have been obvious to one of ordinary skill in the art." Applicant disagrees with these suggestions.

Initially, with respect to the suggestion that Takahashi teaches a seal width at the opening member which appears to be less than the width of the seal portion, applicant notes that the cited section of the reference does not, in fact, support this suggestion. For purposes of review, the actual disclosure in question specifies that the "side of the strip 23 had the same size (4mm) as the second seal portion 22." The effect of this quotation is buffeted by the fact that, in FIG. 1B of Takahashi, the planar illustration of the strip 23 shows the strip 23 as being as

¹ The thickness of the opening member and the width of the seal portion are measured in parallel with the reference letters T (thickness of the opening member) and L (width of the seal portion) illustrated in FIG. 5. As such, the thickness T of the opening member and the width L of the seal portion are both understood as corresponding to widths of the strip 23 and the seal portion 22 of Takahashi, which are each parallel to an imaginary vertical line through the strip 23 and the seal portion 22 FIG. 1B of Takahashi.

Serial No. 10/601,848

wide as the seal portion 22. As such, applicant asserts that Takahashi actually teaches that the strip 23 has the same width as the seal portion 22 (see footnote 1 for comparison between the thickness of the claimed opening member, the width of the claimed seal portion, and the widths of the Takahashi features).

Thus, applicant respectfully asserts that an issue is not whether the differential between the thickness of the claimed opening member and the width of the claimed seal portion is obvious in view of a similar differential taught by Takahashi. Rather, the more important question is whether it would have been obvious to have the opening member be even slightly narrower than the seal portion in view of Takahashi. Applicant respectfully asserts that since Takahashi discloses that the strip 23 is the same width as the seal portion 22, the answer to this question is, no, it would not have been obvious to have the opening member be even slightly narrower than the seal portion. Further, it certainly would not have been obvious to have the opening member be less than half as wide as the seal portion.

As to the suggestion that Takahashi teaches that "the shape of the strip is not critical," applicant respectfully asserts that the shape of the strip is not an issue. As discussed above, the issue is whether Takahashi teaches or suggests that the strip 23 could be less wide than the seal portion 22. The shape of the strip in this analysis is immaterial. Even if the shape of the strip were considered material (i.e., that the size of the strip is related to a shape thereof), the analysis returns to the conclusion that Takahashi does not teach that the strip 23 could be less wide than the seal portion 22 and, as such, any differential between the widths of the strip 23 and the seal portion 22 (similar to the differential between the thickness of the claimed opening member and the width of the claimed seal portion in the claimed invention) is not taught or suggested.

Thus, applicant respectfully asserts that claim 1 is patentably distinguished in view of Takahashi. Therefore, the rejection of claim 1 is believed to be traversed.

Regarding the rejections of claims 12, 14, and 15, it is noted that these claims recite substantially similar subject matter as claim 1. Therefore, the rejections of these claims are believed to be traversed for substantially the same reasons as set forth above with respect to claim 1.

Regarding the rejections of claims 2-6, 9-11, and 13, it is noted that these claims depend from claims 1 and 12, respectively, and that, therefore, the rejections of these claims are overcome for at least the reasons set forth above.

Serial No. 10/601,848

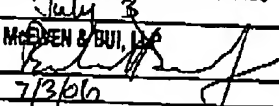
CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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